



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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**Marina Moraru**  
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October 3, 2023

**VIA ECF**

Hon. Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: *M.K. et al., v. N.Y.C. Dep't of Educ.*, 23-cv-7867 (KPF)(JLC)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request a 90-day extension of Defendant's time to respond to the Complaint from October 4, 2023 to January 4, 2024. This is the first request for an extension of this deadline. As soon as Plaintiffs provide relevant attorney billing records, Defendant can begin its internal settlement review process which includes a review of the underlying administrative record together with the billing records. We have resolved recent similar IDEA fees-only cases brought by plaintiffs represented by the Alizio firm without the need to burden the court with any sort of motion practice, conferences or even the need to file an Answer. The parties are hopeful this matter will be resolved as well. Additionally, as this is an IDEA fees-only claim and neither liability nor discovery is at issue, Defendant respectfully requests the adjournment, *sine die*, of the Initial Pretrial Conference (IPTC) currently scheduled for November 30, 2023, and the attendant submission of a proposed Case Management Plan (CMP). Plaintiffs consent to these requests.

Accordingly, Defendant respectfully requests that the time to respond to the Complaint be extended to January 4, 2024, and that the Court adjourn the IPTC and CMP, *sine die*.

Thank you for considering these requests.

Respectfully submitted,

/s/ Marina Moraru

Marina Moraru, Esq.

Special Assistant Corporation Counsel

cc: Steven Alizio (via ECF)

Application GRANTED in part. Defendant's deadline to file a response is hereby ADJOURNED to **January 4, 2024**. Additionally, the initial pretrial conference currently scheduled for November 30, 2023, is hereby ADJOURNED to **January 18, 2024, at 12:00 p.m.** The case management plan and joint letter shall be due on or before **January 11, 2024**.

The Clerk of Court is directed to terminate the pending motion at docket number 8.

Dated: October 4, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE